

District Judge Robert J. Bryan

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JOHN SCOTT,

Defendant.

NO. CR20-018RJB

ORDER GRANTING CONTINUANCE
OF TRIAL DATE AND PRETRIAL
MOTIONS DATE

This matter comes before the Court on the Joint Status Report the parties filed on September 16, 2020, and General Order 13-20 of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which is incorporated herein by reference.

The Court hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC), and Public Health for Seattle/Tacoma and King/Pierce County, regarding social distancing measures required to stop the spread of this disease, as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants, it is not possible at this time to proceed with a jury trial.

- 1 2. Further, because of the recommendations that individuals at higher risk of
2 contracting this disease – including individuals with underlying health
3 conditions, individuals age 60 and older, and individuals who are pregnant –
4 avoid large groups of people, at this time it would be difficult, if not
5 impossible, to get a jury pool that would represent a fair cross section of the
6 community. Based on the recommendations it would also be medically
7 inadvisable to do so.
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9 3. As a result, the failure to grant a continuance of the trial date in this case would
10 likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A),
11 the ends of justice served by continuing the trial in this case outweigh the best
12 interest of the public and the defendant to a speedy trial.

13 IT IS THEREFORE ORDERED that the trial date in this matter is continued to
14 March 22, 2021, at 9:30 a.m. with a pretrial motions date of January 20, 2021. A pretrial
15 conference shall be held on March 12, 2021, at 8:30 a.m.

16 IT IS FURTHER ORDERED that the period time from the date of this order up to
17 and including the date to be set for the trial shall be excludable time pursuant to 18
18 U.S.C. § 3161.

19 Dated this 16th day of September, 2020.

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21 ROBERT J. BRYAN
22 United States District Judge
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24 Submitted by:

25 s/ Marci L. Ellsworth

26 MARCI L. ELLSWORTH
27 Assistant United States Attorney
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